

MC 1077/2015
BEFORE
HON'BLE MR.JUSTICE SUMAN SHYAM

Mr. R. Goswami, learned counsel for the applicant submits that since the appeal is on quantum, hence, the presence of respondent No.2 and 3 (the respondent No.2 is the owner and the respondent No.3 is the driver of the vehicle) are not necessary parties for decision of this petition. As such, on the prayer of Mr. Goswami, the names of respondent No.2 and 3 are struck off from the array of parties at the risk of the appellant.

Since, the respondent No.1 is represented by Mr. G. Uddin, learned counsel, hence, with the consent of the parties this application is taken up for disposal today itself.

This application has been filed under Section 5 of the Limitation Act, 1963, praying for condoning delay of 153 days in filing the connected appeal. I have perused the application and hence, I am of the opinion that the applicant has furnished just and sufficient explanation showing cause for the delay.

In view of the above and having heard the learned counsel for the parties, I am of the considered opinion that the applicant was prevented by sufficient cause from filing the appeal within time, hence, the delay of 153 days in preferring the appeal stands condoned.

Office to register the connected appeal and list for admission.
Interlocutory Application stands disposed of.